

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FILED
JAMES BONINI
CLERK

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SAMUEL A. ASHLEY JR.,

Petitioner,

V.

UNITED STATES OF AMERICA,

Respondent.

Case No. 1:02-cr-22

1:04-cv-689

Chief U.S. District Judge Beckwith

MOTION ASKING FOR THE GOVERNMENT TO BE HELD
IN CONTEMPT OF THIS COURT FOR VIOLATING
THIS COURT'S ORDER CONCERNING RETURNING
THE PETITIONER'S PROPERTY

Now comes the defendant, Sam Ashley, pro se, who once again comes before this Honorable Court to request that the court once again intervene in the matter of the defendant's personal property.

FACTS AND PROCEDURAL HISTORY

During the course of an investigation, agents from the I.R.S., F.B.I., and the United States Postal service entered into the defendant's home at 3359 Old State Road, in Mt. Orab OH, they removed "boxes" of personal property, including but not limited to a Wedding Video, a book manuscript, computer software, pictures, and a variety of other items. The same agents went to the defendant's place of business at 1400 State St. Cincinnati OH, and

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removed more items from that location.

The defendant entered into a plea agreement where he forfeited only two things. One was about \$30,000 in cash with the other being a laptop computer. At no time did the government seek to have any other item(s) forfeited. If they had interest in keeping anything that was seized, they certainly could have. They remained silent as to any of the other property that they took.

In April of 2003, the defendant filed a motion for the return of his property. On June 20, 2003, (Doc. No. 79,) the Honorable Judge D'Lott granted the defendant's motion and ordered the F.B.I. to return all of the property to the defendant's counsel of record. The defendant was never notified by the court, attorney, or the government that this motion had been granted. Almost one year later the defendant received a copy of his court docket and saw that the motion had been approved.

The defendant then filed yet another motion asking for not only certain items to be returned but that a list of items taken be provided. The government responded by claiming that the agents were in the process of compiling a list of all of the property that was taken by the government, they argued that his wallet contained false IDs and should not be returned to the defendant because the \$2255 that the defendant was still pending.

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Further, the government stated that they had the wedding video but wanted to keep it because it would prove that the defendant got married under his alias. (something that the defendant has always admitted).

On January 4, 2006, this court ordered the government "to surrender Defendant's personal property as described in Judge D'Lott's prior order to defendant's designee by February 1, 2006, or show cause why it should not be held in contempt of that order." This court correctly pointed out that "The government concedes that it has disregarded Judge D'Lott's Order dated June 20, 2003."

On January 24, 2006, I.R.S. investigator John Voorhees shows up at the house of the person the defendant chose to be his designee and turned over one wallet, and three false I.D. Cards, while he was there he could not stop talking about how bad of a person that the defendant is and how they would be sorry that they helped the defendant, and that they should stay away from the defendant.

For almost three years now, the government has lied to this Court, the defendant knows that this court thinks that the defendant lies about everything. Now, the defendant asks the court to look at what the government just did. Again, they lied to this court. They told this court 8 months ago that the "agents were compiling a list of property seized at the defendant's home and business, there

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has never been a list of property that was taken, the government has decided that they are going to just keep everything that they took and they do not care what Judge D'Lott ordered, nor do they seem to care what this court has ordered. Nothing seems to apply to them.

This only shows the bad faith that the defendant has been talking about from the very beginning of this case. These agents are the ones that the court believes every single thing they say without question. The government is only making a mockery of this Court and this country, they returned false Id's. Incredible!

For all of the reasons stated above, the defendant respectfully requests that this Honorable Court order the United States to turn over a complete list of all items that were taken from his home and from his business. Before the Constitutional rights against illegal seizure of property be violated, the Government should at least be required to account for everything that they took. The defendant further requests that this Court put the United States on notice that every single item that they took is to be returned, undamaged.

RESPECTFULLY SUBMITTED

S Ashley

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CERTIFICATE OF SERVICE

I do hereby certify that a copy of this motion has been sent VIA inmate legal mail at FPC Ashland KY to the Asst. U.S. Attorney Gary Claytor at 221 E. Fourth St. Suite 400, Cincinnati OH on this 29th Day of January 2006.

S. C. [Signature]